

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEREK A. WAITHE,

Defendant.

Case No. 4:01-cr-40017-JPG-11

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Derek A. Waiths's motion for a reduction of his criminal sentence pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guidelines Manual ("U.S.S.G.") § 1B1.10, making Amendment 821 retroactive (Docs. 666 & 671). The Government agrees with the motion (Doc. 673)..

The parties agree that the defendant is eligible for a reduction under Part A of Amendment 821, which amended U.S.S.G. § 4A1.1(e) (2023) and concerns criminal history points awarded because a defendant was under a criminal sentence when he committed his offense of conviction ("status points"). Under Amendment 821, the defendant's 2 status points are reduced to 0 status points, and his criminal history category is reduced from III to II. The result is that his guideline sentencing range is lowered. Considering this lowered range, the parties agree that a sentence reduction from 420 months, already reduced to 381 months pursuant to retroactive U.S.S.G. Amendment 782, now to 343 months in prison is appropriate. The Court agrees for the reasons set forth in the motion.

Accordingly, the Court **GRANTS** the motion (Doc. 671) and reduces the defendant's sentence of imprisonment from 420 months originally to **343 months or "time served," whichever is longer**. The Court attaches its standard order (AO Form 247) reflecting the sentence reduction. The defendant's *pro se* motion is **DENIED as moot** (Doc. 666).

IT IS SO ORDERED.

DATED: February 22, 2024

s/ J. Phil Gilbert
J. PHIL GILBERT
U.S. DISTRICT JUDGE